



Zachary J. Alinder

Partner

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Services

Intellectual Property
Brand Integrity and Innovation Group
Litigation and Appeals

Biography

Zac Alinder specializes in high stakes business and Intellectual Property litigation, involving copyrights, trademarks, trade secrets, computer fraud, unfair competition, counterfeiting and intellectual property theft. He also regularly advises companies regarding a wide range of pre-litigation and non-litigation brand protection, copyright, and trademark issues. He has tried, arbitrated, mediated and handled appeals of cases in numerous state and federal courts, including all California district courts and the Ninth Circuit. He has been selected for the Northern California “Super Lawyers” list for Intellectual Property Litigation by Super Lawyers magazine from 2016 to the present. He was previously recognized by Super Lawyers magazine in 2011, 2012, and 2013 on the “Rising Stars” list for Intellectual Property Litigation. Mr. Alinder also currently serves on the Executive Committee for the Civil Litigation Section of the Bar Association of San Francisco. Mr. Alinder also received a 2018 Client Choice Award for litigation from Lexology. Mr. Alinder is also a Fellow of the American Bar Foundation, a global honorary society of attorneys, judges, law faculty, and legal scholars whose public and private careers have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of their communities, which is limited to one percent of lawyers licensed to practice in each jurisdiction.

Mr. Alinder’s notable matters include representing Oracle in copyright and computer fraud litigation against SAP, through the jury trial at the end of 2010. The \$1.3 billion jury verdict for Oracle was the largest jury verdict of 2010 and the largest copyright jury verdict of all time. Other notable recent matters include representing Avaya, Fitbit, Cisco Systems, Yelp, and Shopify in IP Enforcement and Brand Protection matters.

Mr. Alinder is the chair of the Firm’s Pro Bono Committee. Most notably, he has worked on a pro bono basis with the Stanford Law School’s Center for Internet and Society, as well as with various artists and artistic foundations, including the Andy Warhol Foundation for the Visual Arts, to promote a proper balance in the law between the rights granted to intellectual property rights holders and the rights to freedom of speech and

expression.

Prior to joining Sideman & Bancroft, Mr. Alinder was a partner in the San Francisco office of what is now known as Morgan Lewis, formerly Bingham McCutchen, where he led the Northern California Pro Bono Committee and Recruiting Committee for Bingham.

Representative Matters

Intellectual Property Enforcement

- Represented Oracle USA, Inc., et al. in copyright litigation matter, in the United States District Court for the Northern District of California
- Represented Samsung in federal trademark infringement investigation and enforcement efforts
- Represented Vivendi and Societe Francaise du Radiotelephone in trade secret misappropriation, interference, computer fraud and unfair competition action in Santa Clara County Superior Court
- Represented Ascential Software Corporation in employment, trade secret misappropriation and copyright infringement dispute in the United States District Court for the Northern District of California
- Representing Hooked Media Group in trade secret misappropriation, interference, computer fraud and unfair competition action in Santa Clara County Superior Court

Sales and Discount Fraud

- Represented Cisco Systems in discount fraud action in Kern County Superior Court
- Represented Monster Cable Products in sales, discount and RMA fraud action pending before the American Arbitration Association

Litigation

- Represented Cisco Systems in federal trademark infringement and unfair business practices action in the Northern District of California
- Representing JPMorgan Chase Bank, N.A. in various state and federal courts around the nation in numerous consumer class actions, involving contract, unfair business practices, privacy, and fraud claims, notching early dismissals in 18 consumer class actions
- Represented Intel Corp. in high tech recruiting class action in the Northern District of California
- Represented Toyota Motor Sales USA Inc. in dealership contract dispute in Alameda County Superior Court
- Represented T-Mobile USA Inc. in numerous class action proceedings, in the Alameda County Superior Court
- Represented McKesson Canada Corporation in distribution contract dispute, in the United States District Court for the Central District of California
- Represented Ferrari of San Francisco in a general contract dispute, in Marin County Superior Court
- Represented Deloitte & Touche LLP in investment advisory dispute in San Francisco Superior Court
- Represented Cisco Systems Inc. in antitrust and sham litigation dispute, in the United States District Court for the Eastern District of Texas
- Represented defendants in obtaining defense verdict in eight-week trial in Alameda County Superior Court on antitrust claims alleging secret discount, affirmed on appeal up to the California Supreme

Court

Decisions

- Ellis v. J.P. Morgan Chase & Co., 950 F.Supp.2d.1062 (N.D. Cal. June 13, 2013)
- Cariou v. Prince, 714 F.3d 694 (2nd Cir. 2013)
- Casault v. Federal Nat. Mortg. Ass'n, 915 F.Supp.2d 1113 (C.D. Cal. November 26, 2012)
- Rex v. Chase Home Finance LLC, 905 F.Supp.2d 1111 (C.D. Cal. November 19, 2012)
- In re High-Tech Employee Antitrust Litigation, 856 F.Supp.2d 1103 (N.D. Cal. April 18, 2012)
- McNeary-Calloway v. JP Morgan Chase Bank, N.A., 863 F.Supp.2d 928 (N.D. Cal. March 26, 2012)
- Oracle Corp. v. SAP AG, 734 F.Supp.2d 956 (N.D. Cal. August 17, 2010)
- Gaylord v. U.S., 595 F.3d 1364 (Fed. Cir. 2010)
- Oracle Corp. v. SAP AG, 566 F.Supp.2d 1010 (N.D. Cal. July 3, 2008)

Professional Involvement

Mr. Alinder is a member of the American Bar Association, the Bar Association of San Francisco, where he currently serves on the Executive Committee for the Civil Litigation Section, and has been a member of the Edward J. McFetridge American Inn of Court.

Mr. Alinder served as a volunteer assistant district attorney in the Misdemeanor Trial Unit for the City and County of San Francisco in 2006.

Mr. Alinder has been a faculty member for the Practising Law Institute webcast, *Avoiding E-Discovery Pitfalls: Litigation Holds and Preservation Letters*.

Selected for the Client Choice Award for 2018, California – Litigation

Listed in Northern California Super Lawyers®: 2016-2020

Listed in *Northern California Rising Stars*: 2011-2013

Publications

- Co-author, "Controlling the Grey Market in the U.S. and E.U.," InsideCounsel, 2015
- Co-Author, "3M's Litigation Crusade: The Price-Gouging Saga," World Intellectual Property Review, 2020

Speaking Engagements

- Zachary Alinder and Richard Nelson on "Alternative Fee Arrangements & the End of the Billable Hour" for BASF panel
- Zachary Alinder moderates BASF panel, "Amicus Briefing on the Front Line"

Education

Stanford University

B.S., 1995

Stanford University

M.S., 1997

University of California, Berkeley, Boalt Hall School of Law

J.D., 2000, Member, Moot Court Board, Moot Court Overall Advocacy Commendation; Member, Ecology Law Quarterly;

Boalt Hall Award for Excellence in Legal Writing